

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

United States of America,) Cr. No. 1:18-99 (CMC)
)
)
v.) **ORDER**
)
)
Carrie B. Caldwell,)
)
)
Defendant.)
)

This matter is before the court on Defendant's motion requesting a recommendation for six to nine months in a Residential Reentry Center ("RRC"), or on home confinement. ECF No. 46. Defendant asserts this will assist her in preparing for the transition back into society, rebuild ties with the community, obtain a job, and begin to make restitution payments. *Id.* at 2.

Determinations regarding placement pursuant to the Second Chance Act are solely within the province of the United States Bureau of Prisons ("BOP"). 42 U.S.C. § 17541(a); 18 U.S.C. § 3624(c)(6)(C) ("the Second Chance Act of 2007 [] shall ensure that placement in a community correctional facility by the Bureau of Prisons is. . . of sufficient duration to provide the greatest likelihood of successful reintegration into the community.") Therefore, the court cannot order that Defendant be placed in an RRC or on home confinement for any period of time.

However, Defendant is correct that the BOP takes into account a court's recommendation regarding the place of incarceration. *See* 18 U.S.C. § 3621 (b)(4)(B) ("The Bureau may designate any available penal or correctional facility. . . considering, . .any statement by the court that imposed the sentence. . . recommending a type or penal or correctional facility as appropriate."). Further, the First Step Act amended § 3624(c)(2) to note the BOP "shall, to the extent practicable,

place prisoners with lower risk levels and lower needs on home confinement for the maximum time permitted under this paragraph.”

The United States Probation Office agrees Defendant is a good candidate for RRC placement or home confinement. The Government has no objection to the BOP allowing home confinement for the maximum time permitted under BOP policy. Accordingly, the court recommends that Defendant be placed in an RRC or on home confinement for the last six to nine months of her sentence, if she meets BOP qualifications.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 22, 2019